
Introduced by Senator Kuehl

February 18, 2005

An act to amend Section 14132.47 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 496, as introduced, Kuehl. Medi-Cal: administrative claims.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services.

Existing law authorizes the department to contract with each participating local governmental agency or each local educational consortium to assist with the performance of administrative activities necessary for the proper and efficient administration of the Medi-Cal program.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14132.47 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14132.47. (a) It is the intent of the Legislature to provide
- 4 local governmental agencies the choice of participating in either
- 5 or both of the Targeted Case Management (TCM) and
- 6 Administrative Claiming process programs at their option,
- 7 subject to the requirements of this section and Section 14132.44.

(b) The department may contract with each participating local governmental agency or each local educational consortium to assist with the performance of administrative activities necessary for the proper and efficient administration of the Medi-Cal program, pursuant to ~~Section 1396b(a) of Title 42 of the United States Code, Section 1903a of the federal Social Security Act; and this (42 U.S.C. Sec. 1396b(a)).~~ This activity shall be known as the Administrative Claiming process.

(c) (1) As a condition for participation in the Administrative Claiming process, each participating local governmental agency or each local educational consortium shall, for the purpose of claiming federal ~~medicaid~~ *Medicaid* matching funds, enter into a contract with the department and shall certify to the department the amount of local governmental agency or each local educational consortium general funds or any other funds allowed under federal law and regulation expended on the allowable administrative activities.

(2) The department shall deny the claim if it determines that the certification is not adequately supported for purposes of federal financial participation.

(d) Each participating local governmental agency or local educational consortium may subcontract with nongovernmental entities to assist with the performance of administrative activities necessary for the proper and efficient administration of the Medi-Cal program under the conditions specified by the department in regulations.

(e) Each Administrative Claiming process contract shall include a requirement that each participating local governmental agency or each local educational consortium submit a claiming plan in a manner that shall be prescribed by the department in regulations, developed in consultation with local governmental agencies.

(f) The department shall require that each participating local governmental agency or each local educational consortium certify to the department both of the following:

(1) The availability and expenditure of 100 percent of the nonfederal share of the cost of performing Administrative Claiming process activities. The funds expended for this purpose shall be from the local governmental agency's general fund or

1 the general funds of local educational agencies or from any other
2 funds allowed under federal law and regulation.

3 (2) In each fiscal year that its expenditures represent costs that
4 are eligible for federal financial participation for that fiscal year.
5 The department shall deny the claim if it determines that the
6 certification is not adequately supported for purposes of federal
7 financial participation.

8 (g) (1) Notwithstanding any other provision of this section,
9 the state shall be held harmless, in accordance with paragraphs
10 (2) and (3), from any federal audit disallowance and interest
11 resulting from payments made to a participating local
12 governmental agency or local educational consortium pursuant to
13 this section, less the amounts already remitted to the state
14 pursuant to subdivision (m) for the disallowed claim.

15 (2) To the extent that a federal audit disallowance and interest
16 results from a claim or claims for which any participating local
17 governmental agency or local educational consortium has
18 received reimbursement for Administrative Claiming process
19 activities, the department shall recoup from the local
20 governmental agency or local educational consortium that
21 submitted the disallowed claim, through offsets or by a direct
22 billing, amounts equal to the amount of the disallowance and
23 interest, in that fiscal year, less the amounts already remitted to
24 the state pursuant to subdivision (m) for the disallowed claim. All
25 subsequent claims submitted to the department applicable to any
26 previously disallowed administrative activity or claim, may be
27 held in abeyance, with no payment made, until the federal
28 disallowance issue is resolved.

29 (3) Notwithstanding paragraph (2), to the extent that a federal
30 audit disallowance and interest results from a claim or claims for
31 which the participating local governmental agency or local
32 educational consortium has received reimbursement for
33 Administrative Claiming process activities performed by a
34 nongovernmental entity under contract with, and on behalf of, the
35 participating local governmental agency or local educational
36 consortium, the department shall be held harmless by that
37 particular participating local governmental agency or local
38 educational consortium for 100 percent of the amount of the
39 federal audit disallowance and interest, less the amounts already

1 remitted to the state pursuant to subdivision (m) for the
2 disallowed claim.

3 (h) The use of local matching funds required by this section
4 shall not create, lead to, or expand the health care funding
5 obligations or service obligations for current or future years for
6 any participating local governmental agency or local educational
7 consortium, except as required by this section or as may be
8 required by federal law.

9 (i) The department shall deny any claim from a participating
10 local governmental agency or local educational consortium if the
11 department determines that the claim is not adequately supported
12 in accordance with criteria established pursuant to this
13 subdivision and implementing regulations before it forwards the
14 claim for reimbursement to the federal ~~medicaid~~ *Medicaid*
15 program. In consultation with local government agencies and
16 local educational consortia, the department shall adopt
17 regulations that prescribe the requirements for the submission
18 and payment of claims for administrative activities performed by
19 each participating local governmental agency and local
20 educational consortium.

21 (j) Administrative activities shall be those determined by the
22 department to be necessary for the proper and efficient
23 administration of the state's ~~medicaid~~ *Medicaid* plan and shall be
24 defined in regulation.

25 (k) If the department denies any claim submitted under this
26 section, the affected participating local governmental agency or
27 local educational consortium may, within 30 days after receipt of
28 written notice of the denial, request that the department
29 reconsider its action. The participating local governmental
30 agency or local educational consortium may request a meeting
31 with the director or his or her designee within 30 days to present
32 its concerns to the department after the request is filed. If the
33 director or his or her designee cannot meet, the department shall
34 respond in writing indicating the specific reasons for which the
35 claim is out of compliance to the participating local
36 governmental agency or local educational consortium in response
37 to its appeal. Thereafter, the decision of the director shall be
38 final.

39 (l) Participating local governmental agencies or local
40 educational consortium may claim the actual costs of

nonemergency, nonmedical transportation of Medi-Cal eligibles to Medi-Cal covered services, under guidelines established by the department, to the extent that these costs are actually borne by the participating local governmental agency or local educational consortium. A local educational consortium may only claim for nonemergency, nonmedical transportation of Medi-Cal eligibles for Medi-Cal covered services, through the Medi-Cal administrative activities program. Medi-Cal medical transportation services shall be claimed under the local educational agency Medi-Cal billing option, pursuant to Section 14132.06.

(m) (1) Each participating local governmental agency shall contribute to the department a portion of the agency's general fund that has been made available due to the coverage of administrative activities described in this section under the Medi-Cal program. The contributed funds shall be reinvested in health services through the Medi-Cal program. The total contribution amount shall be equal to $33\frac{1}{3}$ percent of amounts made available under this section, but in no case shall the contribution exceed twenty million dollars (\$20,000,000) a fiscal year less the amount contributed pursuant to subdivision (m) of Section 14132.44. Beginning with the 1994–95 fiscal year, each local governmental agency's share of the total contribution shall be determined by claims submitted and approved for payment through January 1 of the following calendar year. Claims received and approved for payment after January 1 for dates of service in the previous fiscal year shall be included in the following year's calculation. Each local governmental agency's share of the contribution for the previous fiscal year shall be determined no later than February 15 and shall be remitted to the state no later than April 1 of each year. The contribution amount shall be paid from nonfederal, general fund revenues and shall be deposited in the Administrative Claiming Fund for transfer to the Health Care Deposit Fund.

(2) Moneys received by the department pursuant to this subdivision are hereby continuously appropriated to the department for support of the Medi-Cal program, and the funds shall be administered in accordance with procedures prescribed by the Department of Finance. If not paid as provided in this section, the department may offset payments due to each

1 participating local governmental agency from the state, not
2 related to payments required to be made pursuant to this section
3 in order to recoup these funds for the Administrative Claiming
4 Fund.

5 (3) This subdivision shall only apply to claims approved for
6 the 1994–95 to 1997–98 fiscal years, inclusive.

7 (n) As a condition of participation in the Administrative
8 Claiming process and in recognition of revenue generated to each
9 participating local governmental agency and each local
10 educational consortium in the Administrative Claiming process,
11 each participating local governmental agency and each local
12 educational consortium shall pay an annual participation fee
13 through a mechanism agreed to by the state and local
14 governmental agencies and local educational consortia, or, if no
15 agreement is reached by August 1 of each year, directly to the
16 state. The participation fee shall be used to cover the cost of
17 administering the Administrative Claiming process, including,
18 but not limited to, claims processing, technical assistance, and
19 monitoring. The department shall determine and report staffing
20 requirements upon which projected costs will be based. The
21 amount of the participation fee shall be based upon the
22 anticipated salaries, benefits, and operating expenses, to
23 administer the Administrative Claiming process and other costs
24 related to that process.

25 (o) For the purposes of this section “participating local
26 governmental agency” means a county, chartered city, Native
27 American Indian tribe, tribal organization, or subgroup of a
28 Native American Indian tribe or tribal organization, under
29 contract with the department pursuant to subdivision (b).

30 (p) For purposes of this section, “local educational agency”
31 means a local educational agency, as defined in subdivision (h)
32 of Section 14132.06, that participates under the Administrative
33 Claiming process as a subcontractor to the local educational
34 consortium in its service region.

35 (q) (1) For purposes of this section, “local educational
36 consortium” means a local agency that is one of the service
37 regions of the California County Superintendent Educational
38 Services Association.

39 (2) Each local educational consortium shall contract with the
40 department pursuant to paragraph (1) of subdivision (c).

1 (r) (1) Each participating local educational consortium shall
2 be responsible for the local educational agencies in its service
3 region that participate in the Administrative Claiming process.
4 This responsibility includes, but is not limited to, the preparation
5 and submission of all administrative claiming plans, training of
6 local educational agency staff, overseeing the local educational
7 agency time survey process, and the submission of detailed
8 quarterly invoices on behalf of any participating local
9 educational agency.

10 (2) Each participating local educational consortium shall
11 ensure local educational agency compliance with all
12 requirements of the Administrative Claiming process established
13 for local governmental agencies.

14 (3) Ninety days prior to the initial participation in the
15 Administrative Claiming process, each local educational
16 consortium shall notify the department of its intent to participate
17 in the process, and shall identify each local educational agency
18 that will be participating as its subcontractor.

19 (s) (1) Each local educational agency that elects to participate
20 in the Administrative Claiming process shall submit claims
21 through its local educational consortium or through the local
22 governmental agency, but not both.

23 (2) Each local educational agency participating as a
24 subcontractor to a local educational consortium shall comply
25 with all requirements of the Administrative Claiming process
26 established for local governmental agencies.

27 (t) For the purposes of this section, a “nongovernmental
28 entity” does not include an entity or person administered by,
29 affiliated with, or employed by a participating local
30 governmental agency or a local educational consortium.

31 (u) The requirements of subdivision (m) shall not apply to
32 claims for administrative activities, pursuant to the
33 Administrative Claiming process, performed by public health
34 programs administered by the state.

35 (v) A participating local governmental agency or a local
36 educational consortium may charge an administrative fee to any
37 entity claiming Administrative Claiming through that agency.

38 (w) The department shall continue to administer the
39 Administrative Claiming process in conformity with federal
40 requirements.

1 (x) The department shall provide technical assistance to all
2 participating local governmental agencies and local educational
3 consortia in order to maximize federal financial participation in
4 the Administrative Claiming process.

5 (y) This section shall be applicable to Administrative Claiming
6 process activities performed, and to moneys paid to participating
7 local governmental agencies for those activities in the 1994–95
8 fiscal year and thereafter, and to local educational consortia in
9 the 1998–99 fiscal year and thereafter.